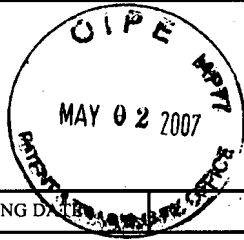




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,881	09/11/2003	Yoel Wazana	21101-0006	5001

23600 7590 04/18/2007  
COUDERT BROTHERS LLP  
333 SOUTH HOPE STREET  
23RD FLOOR  
LOS ANGELES, CA 90071

EXAMINER

ELVE, MARIA ALEXANDRA

ART UNIT PAPER NUMBER

1725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/659,881	<b>Applicant(s)</b> WAZANA ET AL.	
	<b>Examiner</b> M. Alexandra Elve	<b>Art Unit</b> 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 6-11 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/8/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claim 14 recites the limitation "dissembled container". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Araki (USPN 6,223,010) in view of Basista et al. (USPN 6,609,044) and Piccioli et al. (USPN 4,549,066).

Araki discloses a resin product with the method and apparatus used for disassemble. The cartridge is cut with a laser.

Araki does not teach the use of a computer or a gimbal (that rotation of the part).

Basista et al. discloses the use of a computer and an associated program for laser cutting.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a computer and cutting program as taught by Basista et al. in the Araki system because it would ensure cutting accuracy and decrease processing time.

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The provision of mechanical or automated means to replace a manual activity was held to have been obvious. In re Venner 120 USPQ 192.

Piccioli et al. discloses the cutting of a molded polyester resin product using a laser. The polyester resin product is rotated while the laser cuts the excess product off.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a rotation device, as taught by Piccioli et al. in the Araki system because of the enhanced ease of product handling during the disassembly process.

With respect to applicant's predetermined laser power and speed these are design choices, dependent on the material chosen. The types of materials are a choice in design and substitution of known equivalent structures may be made. In re Kuhle 188 USPQ (CCPA 1975), In re Ruff 118 USPQ 343 (CCPA 1958).

Claims 7-11 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baley (USPN 5,676,794) in view of Araki.

Baley discloses a reconditioned printer cartiage. The 23 and 25 show the outer edges, which are connected to the top portion of the remanufactured cartiage. Baley discloses the cutting of a toner cartridge for remanufacturing. The figures show that the disassembly is around the rectangular plate that is essentially a circuitous route. The cartiage is moved along a track. Cutting is along the outer edges to a depth of about 3/16 of an inch.

Cutting with a laser is not taught.

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Araki discloses a resin product with the method and apparatus used for disassemble. The cartridge is cut with a laser.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a laser as taught by Araki because it is a functional equivalent of a cutting knife and substations are known.

Araki does not teach the type of resin material used.

Koike et al. discloses the recycling of a resin product. The prime example is a thermoplastic ink jet cartridge. The recycled material is typically a thermoplastic ABS resin (acrylonitrile butadiene styrene resin), which is a so-called styrene based polymer.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use ABS, as taught by Koike et al. in the Baley and Araki system because this is merely a type of resinous material that is traditionally used in cartridges.

The prior art discloses a product substantially similar to a claimed product, differing only in the manner by which it is produced. It has been held that one of ordinary skill in the art at the time of the invention would have considered the claimed product because of the similarities in appearance, properties and function. The burden falls to the applicant to show that any process steps associated with the claimed product results in a materially different product from those of the prior art, because there is nothing in the record before the examiner to reasonably conclude that applicant's product differs in kind from those obtained by the references. See *In re Brown* 173 USPQ 685 and *In re Fessman* 180 USPQ 324.

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***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See US PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is 571-272-1173. The examiner can normally be reached on 6:30-3:00 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 16, 2007.

  
M. Alexandra Elve  
Primary Examiner 1725

1/8/07

PTO/SB/00A (09-04)  
Approved for use through 03/31/2007. OMB 0651-0001  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
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Substitute for form 14491\*TO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1

of 1

<b>Complete if Known</b>	
Application Number	10/659,881
Filing Date	09/11/2003
First Named Inventor	YOEL WAZANA
Art Unit	1725
Examiner Name	ELVE, MARIA ALEXANDRA
Attorney Docket Number	28179-7 formerly 21101-0006

**U. S. PATENT DOCUMENTS**

[illegible]

**FOREIGN PATENT DOCUMENTS**

[illegible]

**Examiner  
Signature**

M. Alexandria Eve

Date	11/11/2011
Considered	

4/16/07

EXAMINER: While if reference considered, whether or not citation is in conformance with MPEP 801.04, Draw line through citation if not in conformance and not	Considered	4/16/07
USPTO Patent Documents at <a href="http://www.uspto.gov">www.uspto.gov</a> or MPEP 801.04. *Applicant's unique citation designation number (optional). *See Kinds Codes at Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. *Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible. *Applicant is to place a check mark here if English language translation is attached.		

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO in process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form call 1-800-PTO-9199 (1-800-786-9199) and select option 2*

<b>Notice of References Cited</b>	Application/Control No. 10/659,881	Applicant(s)/Patent Under Reexamination WAZANA ET AL.	
	Examiner M. Alexandra Elve	Art Unit 1725	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,525,183	06-1996	Baley, Raymond	156/344
*	B	US-5,781,831	07-1998	Matsuzaki et al.	399/119
*	C	US-5,907,747	05-1999	Diener, Mark A.	399/109
*	D	US-6,029,031	02-2000	Yokomori et al.	399/109
*	E	US-6,289,188	09-2001	Litman et al.	399/109
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.